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EXAMINER	
REYES, MARIELA D	

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2167	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/663,296

Applicant(s)

NAIMAT ET AL.

Examiner

Mariela D. Reyes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action has been issued in response to the amendment filed on May 29, 2007. Claims 1-16 are pending. Applicant's arguments have been carefully and respectfully considered.

### ***Specification***

The abstract of the disclosure is objected to because the title of the invention should not be in the invention's page. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

For the following 35 U.S.C 101 rejections refer to MPEP 2106.1 an excerpt of which is presented here:

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**I. FUNCTIONAL DESCRIPTIVE MATERIAL: "DATA STRUCTURES "  
REPRESENTING DESCRIPTIVE MATERIAL *PER SE* OR COMPUTER  
PROGRAMS REPRESENTING COMPUTER LISTINGS *PER SE***

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material *per se* from claims that define statutory inventions.

Claims 13-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The instant claims are read as software *per se* because the system claims are missing functional hardware components for executing the claim's limitations. Software *per-se* is non-descriptive material therefore it doesn't fall into one of the statutory categories for patentability.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 9, 12 and 13 rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (US PG Pub 2002/0052882).

With respect to independent claim 1, Taylor teaches:

**A method of evaluating contacts stored in a data source, the method comprising:**

**Allowing a user to define a data format;** (Paragraph [0040], discloses that a user defines a group based on a specific attribute (data format))

**Allowing a user to define a plurality of rules that operate on data formatted according to the data format,** (Paragraph [0040], discloses that the user will define rules that will be used to organize and manipulate data) **wherein the rules are intended to assess a quality of data;** (Paragraph [0046] Lines 23-24, discloses that the data sets derived from the rules defined by the user will be used to derive statistical measures of data quality)

**Mapping data identifying a plurality of contacts from the data source to the data format; and** (Paragraph [0040], discloses that the data will be mapped to a specific attribute to be used in the execution of the user defined rules)

**Executing the plurality of rules on the mapped data to produce a set of analyzed data that allows evaluation of potential contacts according to an assessed quality of the data.** (Paragraph [0046] Lines 23-33, discloses that the data sets derived by the user defined rules will be used to analyze data quality of the data)

With respect to claim 2, Taylor teaches:

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**The data source is either a database or a spreadsheet file.** (Paragraph [0017], discloses that the data will be stored in a database that can be a relational database or a flat file)

With respect to claim 5, Taylor teaches:

**The plurality of rules that can be defined by a user include spatial rules, age/lineage rules, pattern-based rules, electronic validation rules and numeric operator-based rules.** (Paragraph [0040], discloses that the user defined rules will break the data into groups based on common attributes, this is clearly a pattern based rules)

With respect to independent claim 9, Taylor teaches:

**A method of evaluating sales leads stored in a data source, the method comprising:**

**Allowing a user to define a data format;** (Paragraph [0040], discloses that a user defines a group based on a specific attribute (data format))

**Allowing a user to define a plurality of rules that operate on data formatted according to the data format,** (Paragraph [0040], discloses that the user will define rules that will be used to organize and manipulate data) **wherein the rules are intended to assess a quality of data** (Paragraph [0046] Lines 23-24, discloses that the data sets derived from the rules defined by the user will be used to derive statistical measures of data quality) **and include spatial rules, pattern-based rules and**

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**electronic validation rules;** (Paragraph [0040], discloses that the user defined rules will break the data into groups based on common attributes, this is clearly a pattern based rules) **the data source is either a database or spreadsheet file;** (Paragraph [0017], discloses that the data will be stored in a database that can be a relational database or a flat file)

**Mapping data identifying a plurality of sales leads from the data source to the data format; and** (Paragraph [0040], discloses that the data will be mapped to a specific attribute to be used in the execution of the user defined rules)

**Executing the plurality of rules on the data to score the data and produce a set of analyzed data usable to assess the quality of data in the data source.**

(Paragraph [0046] Lines 23-33, discloses that the data sets derived by the user defined rules will be used to analyze data quality of the data)

With respect to claim 12, Taylor teaches:

**The plurality of rules that can be defined by a user further comprise age/lineage rules and numeric operator-based rules.** (Paragraph [0040], discloses that one of the user defined rules may be comparing certain attributes for each data element, this combination could be performed in numbers therefore is numeric)

With respect to independent claim 13, Taylor teaches:

**A system for evaluating contacts stored in data source, the system comprising:**

**A user interface component configured to allow one or more users to define a data format;** (Paragraph [0040], discloses that a user defines a group based on a specific attribute (data format)) **define a plurality of rules that operate on, and are intended to assess a quality of,** (Paragraph [0046] Lines 23-24, discloses that the data sets derived from the rules defined by the user will be used to derive statistical measures of data quality) **data formatted according to the data format;** (Paragraph [0040], discloses that the user will define rules that will be used to organize and manipulate data)

**Map data identifying a plurality of contacts from the data source to the data format; and** (Paragraph [0040], discloses that the data will be mapped to a specific attribute to be used in the execution of the user defined rules)

**A rules engine component configured to execute the plurality of rules on the mapped data to produce a set of analyzed data that allows evaluation of potential contacts according to an assessed quality of the data.** (Paragraph [0046] Lines 23-33, discloses that the data sets derived by the user defined rules will be used to analyze data quality of the data)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US PG Pub 2002/0052882) in view of Mary Jo Nott (New Product News, Published May 21<sup>st</sup>, 2002)

With respect to claim 3:

Taylor does not appear to explicitly disclose that **the data source is a heterogeneous data source.**

Nott teaches that **the data source is a heterogeneous data source.** (Paragraph [001], discloses that Cognos allows corporate decisions to be based on data from SAP and non SAP data sources, therefore the collected that comes from heterogeneous data sources, this helps in the collection of data from different databases in an enterprise and allows flawless communication between the heterogeneous database and the 360 degree view of business operations)

It would be obvious for someone with ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement that **the data source is a heterogeneous data source** because this helps in the collection of data from different databases in an enterprise and allows flawless communication between the heterogeneous database and the 360 degree view of business operations.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US PG Pub 2002/0052882) in view of Anand et al (US Patent 5,721,903).

With respect to claim 4:

Taylor doesn't appear to disclose that **the data source comprises a plurality of sales leads.**

Anand teaches that **the data source comprises a plurality of sales leads.** (Column 1 Lines 40-46, discloses that the data to be processed for the creation of the reports is business related)

It would have been obvious for one with ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement that **the data source comprises a plurality of sales leads** because this would allow for a user of the system to assess the quality of specific data based on the quality ranking generated by the user defined rules)

Claims 6, 7, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US PG Pub 2002/0052882) in view of Fagin et al (US Patent 6,014,664).

With respect to claim 6:

Taylor doesn't appear to explicitly disclose **the step of executing the plurality of rules comprises scoring the mapped data.**

Fagin teaches **the step of executing the plurality of rules comprises scoring the mapped data.** (Column 1 Lines 8-11, discloses that rules that will have scores assigned to them so that data can be assigned scores)

It would be obvious for someone with ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement **the step of**

**executing the plurality of rules comprises scoring the mapped data** because this would help in the fact that then the user could have an idea of which results are more important.

With respect to claim 7:

Taylor doesn't appear to explicitly disclose that **after executing the plurality of rules, allowing a user to rank data from the set of analyzed data according to its score.**

Fagin teaches that **after executing the plurality of rules, allowing a user to rank data from the set of analyzed data according to its score.** (Column 8 Lines 54-47, discloses that the user will create the scoring for each rule therefore the user is the one responsible for the ranking of the data)

With respect to claim 10:

Taylor doesn't appear to explicitly disclose that **executing the plurality of rules comprises scoring the mapped data.**

Fagin teaches that **executing the plurality of rules comprises scoring the mapped data.** (Column 1 Lines 8-11, discloses that rules that will have scores assigned to them so that data can be assigned scores)

It would be obvious for someone with ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement **executing the**

**plurality of rules comprises scoring the mapped data** because this would help in the fact that then the user could have an idea of which results are more important.

With respect to claim 14:

Taylor doesn't appear to explicitly disclose that **the user interface component allows users to associate a score with each defined rule and wherein the rules engine component scores the mapped data during execution of the plurality of rules.**

Fagin teaches that **the user interface component allows users to associate a score with each defined rule and wherein the rules engine component scores the mapped data during execution of the plurality of rules.** (Column 1 Lines 8-11, discloses that rules that will have scores assigned to them so that data can be assigned scores)

With respect to claim 15:

Taylor doesn't appear to explicitly disclose that **the user interface is further configured to allow a user to rank data from the set of analyzed data according to its score after the rules engine executes the plurality of rules.**

Fagin teaches that **the user interface is further configured to allow a user to rank data from the set of analyzed data according to its score after the rules engine executes the plurality of rules.** (Column 8 Lines 54-47, discloses that the user

will create the scoring for each rule therefore the user is the one responsible for the ranking of the data)

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US PG Pub 2002/0052882) in view of Hibbets et al (US Patent 5,787,418).

With respect to claim 8:

Taylor doesn't appear to explicitly disclose **that after executing the plurality of rules, allowing a user to sort the analyzed data into buckets according to whether or not the data passed specific rules identified by the user.**

Hibbets teaches **that after executing the plurality of rules, allowing a user to sort the analyzed data into buckets according to whether or not the data passed specific rules identified by the user.** (Column 5 Lines 1-13, discloses a user being able to sort data into tables by selecting data based on its attributes, this would allow the user to have control over the final ranking and sorting of the data therefore making it more functional)

It would be obvious for someone with ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement **that after executing the plurality of rules, allowing a user to sort the analyzed data into buckets according to whether or not the data passed specific rules identified by the user** because this would allow the user to have control over the final ranking and sorting of the data therefore making it more functional.

With respect to claim 11:

Taylor doesn't appear to explicitly disclose that **after executing the plurality of rules, allowing a user to sort the analyzed data into buckets according to whether or not the data passed specific rules identified by the user.**

Hibbetts teaches that **after executing the plurality of rules, allowing a user to sort the analyzed data into buckets according to whether or not the data passed specific rules identified by the user.** (Column 5 Lines 1-13, discloses a user being able to sort data into tables by selecting data based on its attributes; this would allow the user to have control over the final ranking and sorting of the data therefore making it more functional)

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US PG Pub 2002/0052882) in view of Fagin et al (US Patent 6,014,664) and Hibbetts et al (US Patent 5,787,418).

With respect to claim 16:

The combination of Taylor and Fagin discussed above doesn't appear to explicitly disclose **that the user interface is further configured to, after the rules engine executes the plurality of rules, allow a user to sort data from the set of analyzed data into buckets according to whether or not the data passed specific rules identified by the user.**

Hibbetts teaches **that the user interface is further configured to, after the rules engine executes the plurality of rules, allow a user to sort data from the set**

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**of analyzed data into buckets according to whether or not the data passed specific rules identified by the user.** (Column 5 Lines 1-13, discloses a user being able to sort data into tables by selecting data based on its attributes, this would allow the user to have control over the final ranking and sorting of the data therefore making it more functional)

It would be obvious for someone with ordinary skill in the art at the time of the invention to combine the teachings of the cited references to implement **that the user interface is further configured to, after the rules engine executes the plurality of rules, allow a user to sort data from the set of analyzed data into buckets according to whether or not the data passed specific rules identified by the user** because this would allow the user to have control over the final ranking and sorting of the data therefore making it more functional.

### ***Response to Arguments***

#### *Specification*

The Objection to the abstract is sustained because no new abstract or arguments addressing the objection have been submitted.

#### *Claim Rejections 35 USC 101*

Applicant's arguments state **"that claim 13 recites components of a computer implemented system and that such components clearly define "structural and functional interrelationships""** Examiner respectfully disagrees. While the

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components do clearly define structural and functional relationships the claim is still directed to software per se. According to the claim language a user interface component and a rules engine component are read as a program that executes certain actions however what is being implemented is a computer system that needs hardware components (such as a processor) to be a statutory.

*Claim Rejections 35 USC 103*

With respect to the 35 U.S.C. 102 rejections on claims 1-16, examiner agrees with applicant's remarks and has removed the rejection. However upon further consideration, a new ground(s) of rejection is made.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariela D. Reyes whose telephone number is (571) 270-1006. The examiner can normally be reached on M - F 7:30- 5:00 East time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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